

# **EXHIBIT B**

**TEXTO** spezial Gesetzesausgabe

# ZPO CP CCP

Schweizerische Zivilprozessordnung  
Code de procédure civile suisse  
Codice di diritto processuale civile svizzero  
Swiss Code of Civil Procedure

Herausgeber Editeur Editore Editor

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| (Translation: Prof. Dr. iur. Stephen V. Bertl)                                              |            |

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PartG Bundesgesetz vom 18. Juni 2004 über die eingetragene Partnerschaft gleichgeschlechtlicher Paare (Partnerschaftsgesetz; SR 211.231)

PatG Bundesgesetz vom 25. Juni 1954 über die Erfindungspatente (Patentgesetz; SR 232.14)

s. siehe

s.a. siehe auch

SchKG Bundesgesetz vom 11. April 1889 über Schuldbetreibung und Konkurs (SR 281.1)

SR Systematische Rechtsammlung des Bundesrechts

StGB Schweizerisches Strafgesetzbuch vom 21. Dezember 1937 (SR 311.0)

SVG Strassenverkehrsgesetz vom 19. Dezember 1937 (SR 741.01)

SZZP Schweizerische Zeitschrift für Zivilprozessrecht

vgl. vergleichen Sie

ZGB Schweizerisches Zivilgesetzbuch vom 10. Dezember 1907 (SR 210)

Ziff. Ziffer

ZPO Schweizerische Zivilprozessordnung vom 19. Dezember 2008 (Zivilprozessordnung; SR 272)

ZSR Zeitschrift für Schweizerisches Recht

## Abréviations

|          |                                                                                                                                                                            |  |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| al.      | alinéa                                                                                                                                                                     |  |
| art.     | article                                                                                                                                                                    |  |
| CC       | Code civil suisse du 10 décembre 1907 (RS 210)                                                                                                                             |  |
| CEDH     | Convention du 4 novembre 1950 de sauvegarde des droits de l'homme et des libertés fondamentales (RS 0.101)                                                                 |  |
| cf.      | confer                                                                                                                                                                     |  |
| ch.      | chiffre                                                                                                                                                                    |  |
| chap.    | chapitre                                                                                                                                                                   |  |
| CO       | Loi fédérale du 30 mars 1911 complétant le code civil suisse (Livres cinquième: Droit des obligations; RS 220)                                                             |  |
| CP       | Code pénal suisse du 21 décembre 1937 (RS 311.0)                                                                                                                           |  |
| CPC      | Code de procédure civile du 19 décembre 2008 (RS 272)                                                                                                                      |  |
| Cst.     | Constitution fédérale de la Confédération suisse du 18 avril 1999                                                                                                          |  |
| FF       | Feuille fédérale                                                                                                                                                           |  |
| LCR      | Loi fédérale du 19 décembre 1958 sur la circulation routière (RS 741.01)                                                                                                   |  |
| LDIP     | Loi fédérale du 18 décembre 1987 sur le droit international privé (RS 291)                                                                                                 |  |
| LEg      | Loi fédérale du 24 mars 1995 sur l'égalité entre femmes et hommes (Loi sur l'égalité; RS 151.1)                                                                            |  |
| let.     | lettre                                                                                                                                                                     |  |
| LFLP     | Loi fédérale du 17 décembre 1993 sur le libre passage dans la prévoyance professionnelle vieillesse, survivants et invalidité (Loi sur le libre passage; RS 831.42)        |  |
| LP       | Loi fédérale du 11 avril 1889 sur la poursuite pour dettes et la faillite (RS 281.1)                                                                                       |  |
| LPart    | Loi fédérale du 18 juin 2004 sur le partenariat enregistré entre personnes du même sexe (Loi sur le partenariat; RS 211.231)                                               |  |
| LPP      | Loi fédérale du 25 juin 1982 sur la prévoyance professionnelle vieillesse, survivants et invalidité (RS 831.40)                                                            |  |
| LRCN     | Loi fédérale du 18 mars 1983 sur la responsabilité civile en matière nucléaire (RS 732.44); Loi fédérale du 13 juin 2008 sur la responsabilité civile en matière nucléaire |  |
| op. cit. | opere citato                                                                                                                                                               |  |
| p.       | page                                                                                                                                                                       |  |
| PPE      | propriété/propriétaires par étages                                                                                                                                         |  |

pag. pagina  
 RDS Rivista di diritto svizzero  
 RS Raccolta sistematica del diritto federale  
 RSPC Rivista svizzera di procedura civile  
 RU Raccolta ufficiale delle leggi federali  
 s. seguente  
 v. vedi

## Abbreviations

|            |                                                                                                                                                                                         |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| art.       | article                                                                                                                                                                                 |
| AS         | Ämtliche Sammlung des Bundesrechts, Official Compilation of Federal Legislation                                                                                                         |
| BBl        | Bundesblatt, Official Federal Gazette                                                                                                                                                   |
| CC         | Swiss Civil Code of 10th December 1907 (SR 210)                                                                                                                                         |
| CCP        | Swiss Code of Civil Procedure of 19th December 2008 (SR 272)                                                                                                                            |
| CO         | Swiss Code of Obligations of 30th March 1911 (SR 220) [Bundesgesetz vom 30. März 1911 betreffend die Ergänzung des Schweizerischen Zivilgesetzbuches (Fünftes Teil: Obligationenrecht)] |
| Convention | European Human Rights Convention of 4th November 1950 (SR 0.101)                                                                                                                        |
| DEB        | Debt Enforcement and Bankruptcy Act of 11th April 1889 (SR 281.1)                                                                                                                       |
| lit.       | litera                                                                                                                                                                                  |
| no.        | number                                                                                                                                                                                  |
| PA         | Partnership Act of 18th June 2004 (SR 211.231)                                                                                                                                          |
| para.      | paragraph                                                                                                                                                                               |
| PC         | Swiss Penal Code of 21st December 1937 (SR 311.0)                                                                                                                                       |
| SR         | Systematische Rechtssammlung des Bundesrechts, Classified Compilation of Federal Legislation                                                                                            |
| TA         | Traffic Act of 19th December 1958 (SR 741.01)                                                                                                                                           |

## Introduction to the English translation

It is not infrequent that a code of civil procedure is enacted in Switzerland: the 26 Cantons hitherto empowered to legislate in this domain since the Federal Constitution of 1848 have done so numerous times. What is *new* this time is that the Code of Civil Procedure enacted by the Swiss Parliament on 19th December 2008 and expected to enter into force on 1st January 2011 will be the first *unified* code of civil procedure to apply to proceedings before the cantonal civil courts.

In my unofficial translation, based on the official German, French and Italian versions also published in this book, I have adhered as closely as possible to the wording used by the legislator, whilst mindful that there are functions of Swiss procedural law which might be comprehensible to an English-speaking reader only if they are functionally described. I hope that my text will assist them in understanding the new law, and also be helpful for non-English speaking colleagues who are used to working in German, French or Italian and have occasion to explain the essence of Swiss law in English.

Any comments or queries are welcome ([stephen.berli@unilu.ch](mailto:stephen.berli@unilu.ch)).

Sent, 27th April 2009

Stephen V. Berli

## 4 Swiss Code of Civil Procedure (CCP)

19th December 2008

Translation: Prof. Dr. iur. Stephen V. Berti

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- Volontaria giurisdizione** 1 lit. b, 19, 248 lit. e, 255 lit. b, 256 cpv. 2



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# Swiss Code of Civil Procedure (CCP)

of 19th December 2008\*

*The Federal Parliament of the Swiss Confederation,*  
based on article 122 Paragraph 1 of the Federal Constitution<sup>1</sup>,  
having noted the contents of the message of the Federal Council of 28th June 2006<sup>2</sup>,  
*herewith enacts:*

## Part 1: General provisions

### Title 1: Object and scope of application

#### Art. 1 Object

This Code governs proceedings before cantonal courts relating to:

- a. contentious civil cases;
- b. court orders in non-contentious civil matters;
- c. court proceedings in connection with debt enforcement and bankruptcy matters;
- d. arbitration.

#### Art. 2 International matters

The provisions of international treaties and of the Private International Law Act of 18th December 1987<sup>3</sup> are reserved.

#### Art. 3 Organisation of the courts and conciliation authorities

Where the law does not otherwise provide, the organisation of the courts and the conciliation authorities is governed by cantonal law.

- 1 SR 101
- 2 BBl 2006 7221
- 3 SR 291

\* English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.

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